

**MOTION BY SUPERVISORS MARK RIDLEY-THOMAS  
AND DON KNABE**

**August 31, 2010**

**Ensuring Timely Compliance with SB 39**

On August 30, 2010, the Office of Independent Review filed its report on the Status of Implementation of SB39: Current Challenges (OIR Report). The OIR Report described a number of challenges to properly interpreting the cases qualifying pursuant to SB39.

Among the challenges the report identified was the inconsistent rulings by different segments of the Department of Children and Family Services (DCFS). The OIR Report found that it received no information to believe that this inconsistent approach in assessing child fatalities between different components of the DCFS was either intentional or designed. However, every effort must be identified to coordinate the assembly, assessment and evaluation of information necessary to make an SB39 determination in a manner that is comprehensive, consistent, and accurate.

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MOTION

RIDLEY-THOMAS\_\_\_\_\_

YAROSLAVSKY \_\_\_\_\_

KNABE \_\_\_\_\_

ANTONOVICH \_\_\_\_\_

MOLINA \_\_\_\_\_

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Another challenge identified by the OIR Report was that once a child fatality qualified as the subject of disclosure, the records to be disclosed are subject to certain redactions. However, all too often in recent cases, the law enforcement agencies have placed blanket holds on disclosure. More often than not, holds are made because the SB39 material is not shared with law enforcement officials in a timely manner, or are not reviewed to ensure that the reason for non-disclosure still exists.

The OIR report offers many helpful recommendations to improve the County's SB39 responsiveness. The report, however, does not recommend a single County office to oversee and coordinate the SB39 process to ensure the multiple involved County departments timely and accurately respond to all SB39 requests.

**WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:**

Direct the Chief Executive Office to work with the Department of Children and Family Services, the Executive Office of the Board of Supervisors, County Counsel, the Child Special Investigation Unit (CSIU), and the Office of Independent Review to:

1. Evaluate and recommend a single County office that should be charged with overseeing SB 39 compliance, including assembling, assessing and evaluating information necessary to make an SB39 determination.
2. Develop a process for coordinating the assembly, assessment and production of information necessary for an independent entity to evaluate and make an informed SB39 determination.

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3. Develop a process to coordinate and collect the views of the District Attorney and law enforcement on the materials to be disclosed or not disclosed pursuant to an SB 39 determination.
4. Develop a timetable and process for implementing the OIR recommendations contained in their OIR Report.
5. Provide a written report within 30 days with quarterly reports to the Board on implementation progress.

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